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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/034,835                      | 12/21/2001  | Bruce E. Amazeen     | A0312/7427 RJP      | 9618             |
| 7590<br>12/12/2003              |             |                      |                     |                  |
| EXAMINER<br>NGUYEN, MATTHEW VAN |             |                      |                     |                  |
| ART UNIT<br>2838                |             | PAPER NUMBER         |                     |                  |

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

|                  |                   |  |
|------------------|-------------------|--|
| Application No.  | Applicant(s)      |  |
| 10/034,835       | AMAZEEN, BRUCE E. |  |
| Examiner         | Art Unit          |  |
| MATTHEW V NGUYEN | 2838              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Applicant's Amendment filed on Oct. 23, 2003 has been entered and carefully considered. Claims 5 and 13 have been canceled. Claims 1, 6, 8, 14 and 18 have been amended. However, the allowable subject matter in the original claims 5 and 13, as discussed in the Office Action mailed on August 15, are found unpatentable in the reference of Widlar (U.S. Pat. No. 4,429,122, same reference that is applied to the rejection of claims 1-4, 8-12 and 17-19). Therefore, the objection to original claims 5 and 13 is withdrawn, and all of the claims in the instant application are rejected under the new ground of rejections as set forth below.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Widlar (U.S. Pat. No. 4,249,122).

With regard to claims 1-4, 8-12 and 17-19, Widlar shows a bandgap cell for producing a first order and a second order temperature compensated reference output voltage and method therefor comprising all the claimed subject matter such as a stacked bandgap cell (Fig. 3), first and second transistors (i.e., 53, 54 in Fig. 4), in which the first transistor is biased with a first current  $I_3$  and the second transistor is biased with a second current  $I_4$  that has a temperature coefficient being different from that of the first current (col. 5, line 45 – col. 6, line

50, and also abstract) and a gain amplifier 22 (Fig. 5) coupled to the first and second transistors, the first quiescent current being equal to a temperature-independent current plus a temperature-dependent current, and the second quiescent current being equal to the temperature-independent current minus the temperature-dependent current (col. 3, lines 37-42).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widlar.

With regard to claims 20, Widlar shows a bandgap cell for producing a first order and a second order temperature compensated reference output voltage and method therefor comprising all the claimed subject matter as discussed above, except for the value of the half of the full scale reference voltage being within the range of 2.3 to 2.7 V. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select such a range of the half of the full scale reference voltage, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew V. Nguyen whose telephone number is (703) 305-3415.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

Matthew V. Nguyen  
NEW YORK  
EXAMINER